



SUPPORTING STATEMENT

Erection of detached dwelling and formation of new vehicular access (existing dwelling to be demolished and existing access to be stopped up) at;

Belynna, Nayland Road, Leavenheath,
Suffolk, CO6 4PH

CONTENTS

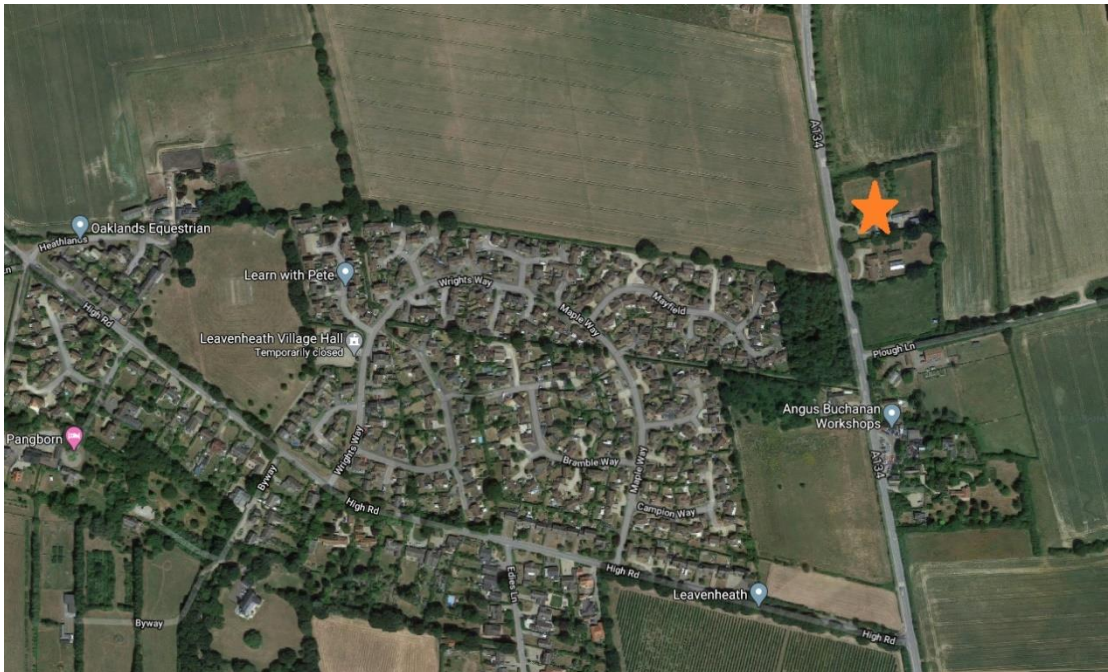
1.0	Introduction	3
2.0	The Site	4
3.0	The Proposal	5
4.0	Planning Policy	6
5.0	The Pre-Application Advice	7
6.0	Planning Considerations	10
6.0	Conclusions	26

1.0 Introduction

1.1 This statement is prepared on behalf of Mr and Mrs Brennan in respect of an application for planning permission for the erection of a detached dwelling along with the demolition of the existing dwelling at Belynna Cottage, Nayland Road, Leavenheath. As part of the proposal, the existing access would be stopped up and a new access formed to the south of the site frontage.

1.2 It will consider the planning policy position and provide an overview of the relevant material considerations relating to the proposed development.

1.3 The extract below shows the location of the site relative to nearby development.



1.4 The applicants have engaged in pre-application discussion with the Council. Details of the advice given is provided at Chapter 5 of this statement.

2.0 The Site

- 2.1 Belynna Cottage is a detached bungalow located in a good sized plot to the east of the A134. The property is set on the edge of the village with open fields adjacent, and on a stretch of road where there are a number of substantial properties.
- 2.2 The existing dwelling is not of permanent construction, though it has been sited on the land for many years. It would not, and does not, meet current Building Regulations standards and due to its construction it has not been possible for finance to be raised against it. It is, therefore, of limited value in terms of its longevity and is not a suitable property to be considered as a realistic long term proposition to be retained.
- 2.3 The property is located to the southern end of the site and is of single storey scale. There are a number of outbuildings behind the property also.
- 2.4 The entrance is through a pair of gates directly off the A134 and there is also a second road entrance to one side of the site. The drive leads into an extensive parking area with the garden extending to the north of the property and being bordered by mature trees and hedgerow.



- 2.5 The site is not subjected to any specific landscape designations, nor does it fall within an area that is recognised to be at risk of flooding. The nearest listed buildings are some distance away to the south, at Honey Tye.
- 2.6 Leavenheath is a designated Hinterland Village within the Core Strategy, and the site lies opposite the village. There is a paved footway to the site frontage, leading to the village and to the bus stops which sit adjacent the High Road junction (to the south). These bus stops offer regular buses to Colchester and Sudbury respectively.
- 2.7 The land does not appear to have been subject to any recent applications for planning permission, with a search of the Council's website identifying one previous application (for extensions to the property) dating back to the 1980s.

3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of a new detached dwelling and the removal of the existing dwelling.
- 3.2 The proposed dwelling has been designed as a response to the clients' desire to build a comfortable family home with a traditional façade. Behind this frontage lays an interior which is tailored to today's lifestyle and is designed to meet the needs of the clients' family and their future aspirations. It is their intention to create a comfortable and enjoyable family home that will stand the test of time.
- 3.3 The Suffolk White brickwork proposed to the West elevation, which faces the road, is intended to relate well to a number of old Georgian houses that can be found in the local architectural palette. The use of shallow slate roof with lead hips seeks to contain the height of the building, as is often typical of this style of architecture. The large painted sliding sash windows with concealed boxes will provide a neat front elevation to this impressive house. The North elevation is simple and retains the formal appearance. The East and South elevations are substantially concealed from the public vantage points, and these include some contemporary elements and fenestration set within colourwashed rendered walls which serve to provide a

more open relationship with the large rear garden area and also the sunny and private South terrace. These large glass areas work well with the open plan areas of the ground floor.

- 3.4 The simple garage, with painted weatherboarded walls, a white brick plinth and a slate roof, is conveniently located, and this along with a connecting tall wall provides seclusion to the private South facing garden area. This low building is positioned within a formal arrangement of substantial yew hedges and new and additional roadside screening that will provide framework, context and setting to the front of the house.
- 3.5 The eclectic mix of architecture in the local vicinity leaves us to believe that this proposal will settle well into the site. There are other houses of a formal nature in the area and we see no reason why this approach to the roadside elevation should not be both acceptable and successful whilst also being the preferred choice of our clients.
- 3.6 Alterations are also proposed to the access position, with the existing access proposed to be stopped up and a new access formed to the south of the site frontage. It is understood that the access to the house was previously located in this position with the current access being constructed in the 1980s. Indeed, there is evidence in the existing house of the original door in the southern aspect that the former access would have related to. As such, the proposal seeks to reinstate an access in this position thereby replicating the historic position on the site.

4.0 Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration for decision-making purposes.
- 4.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF.

- 4.3 The development plan for Babergh District Council consists of the saved policies of the Babergh Local Plan Alteration No.2 (2006) and the Babergh Core Strategy (2014). The following policies within these documents are considered to be relevant to this proposal.

Babergh Local Plan Alteration No.2 (2006)

- CN01 Design Standards
- HS05 Replacement Dwellings
- TP15 Parking

Babergh Core Strategy 2014

- CS01 Applying the presumption in Favour of Sustainable Development in Babergh
- CS02 Settlement Pattern Policy
- CS03 Strategy for Growth and Development
- CS15 Implementing Sustainable Development
- CS18 Mix and Types of Dwellings

- 4.4 Where relevant to the consideration of this proposal, these policies will be referred to within the 'Planning Considerations' section of this report.

5.0 The Pre-Application Advice

- 5.1 In July 2020, an approach was made to the Council for pre-application advice as to the potential to site a new dwelling on land to the north of the existing dwelling, with the existing dwelling being demolished as part of the proposal. The pre-application request was allocated Council reference DC/20/02819 and a written response was provided on 20th August 2020.

- 5.2 Prior to providing the written response, a meeting was held on site with the Planning Officer. Having viewed the site and considered the proposal, the Planning Officer's response advised that;

“The existing dwelling is a modest sized bungalow, therefore, to accord with this Policy, the size of the proposed replacement should not be significantly larger than the original. Currently, the existing dwelling has a large detached garage, therefore, there may be scope for a slightly larger replacement dwelling if the detached garage was demolished and the parking space made available through an attachment to the replacement dwelling.

The proposed replacement dwelling should be of a sympathetic design to the site, using traditional materials and architecture, a contemporary design would not likely be supported”.

and;

“The location of the existing dwelling is visible from the road, being in front of the access. The proposed location of the replacement would be largely screened by the mature plant life and trees along the boundaries, therefore, providing the natural boundaries are maintained and enhanced, the proposed dwelling would not be any more visually intrusive, however, this does depend on its overall size and height which we cannot assess at this stage due to the limited information provided”.

- 5.3 As can be seen, the advice provided references policy HS05 (“this Policy”) and identifies that there may be some scope for a larger dwelling, that this should be of traditional form and materials and that the location of the new dwelling would not be any more visually intrusive than the existing property.
- 5.4 Subsequently, in January 2021, a further pre-application request was submitted to the Council. A response was provided on 11th February 2021 under Council reference DC/20/05845. The submission made at that time was for a larger building than is now the subject of this application, supported by a cartlodge structure which is also no longer brought forward as part of the scheme.
- 5.5 The response provided by the Council was that the proposed dwelling that formed the basis for that pre-application submission was too large. The Planning Officer (who was not the same

Officer as had considered the first pre-application request) identified two key matters to address, being;

“Firstly, the existing dwelling is a two-bedroom bungalow, a dwelling type that is identified as being needed in the district which has an ageing population that wishes to downsize, according to the supporting documentation for the Joint Local Plan. No site-specific housing need survey has been submitted with the enquiry that may offer a local need for a dwelling of this size. Secondly, whilst it has been expressed previously, there is scope on this site to replace the existing with a larger dwelling due to the existing outbuildings that could cumulatively be replaced to justify a larger dwelling. However, it is considered that even if all the outbuildings were removed, it would still not justify a dwelling of this size.

Finally, it was expressed as an Officer opinion during the pre-application meeting (as a result of the agent expressing the desire of the applicant to achieve a footprint and a diverse room functionality as described in the above paragraphs), that if designed appropriately, it may be achievable, but it was caveated that this would need to explore a modern innovative design that reduces the scale on the outside; but retains the desired space internally. This, however, considering the footprint desired, is unlikely to be achievable as it would still likely result in a prominent feature in the sensitive transitional character of the site leading away from built form into the countryside. That said, the Council remains open to this as an approach and reserves the right to make a full assessment in the absence of plans”.

- 5.6 Whilst it is noted that these comments inaccurately identify the existing dwelling as having two bedrooms when it is actually a three bedroom dwelling, the applicants have taken these comments on board, significantly reducing the size and scale of the building and removing the outbuilding from the proposal. The extent of these changes is significant, reducing the footprint, scale and mass of the dwelling.
- 5.7 Notwithstanding the detailed assessment of the proposal relative to the relevant planning policies which will follow in Chapter 6 of this statement, the applicants also wish to comment specifically on the points raised by the Council in the latest pre-application response.

- 5.8 Firstly, the applicants note that in the first pre-application response, the Planning officer was clear that *“The proposed replacement dwelling should be of a sympathetic design to the site, using traditional materials and architecture, a contemporary design would not likely be supported”*.
- 5.9 Yet in the second response, a contemporary design approach is mooted as a more appropriate approach to delivering the accommodation on the site. It makes clear that the Council are ‘open’ to this approach.
- 5.10 Secondly, no consideration is given to the numerous examples of replacement dwellings approved under policy HS05 that have permitted larger dwellings than the building that they replaced. Whilst explored in more detail in Chapter 6, a number of those decisions have permitted significantly larger dwellings and, in cases quoted in the subsequent chapter, have even permitted larger dwellings outside the existing curtilage of the existing dwelling.

6.0 Planning Considerations

- 6.1 The concept of providing a new dwelling on sites where an existing substandard dwelling already exists is not a new one. Indeed, it is recognised through the development plan that such proposals can be favourably considered, subject to consideration of detailed criteria relative to the specific merits of each case, and that such proposals can, for example, bring about significant benefits where the new dwelling enhances the site and removes buildings that offer little to the character of the area.
- 6.2 The proposal seeks planning permission for the erection of a replacement dwelling where it can, thereby, be seen that the principle of such development is not contentious. However, this proposal brings about some material planning considerations that require specific address with regards to the planning policy provisions. These mainly relate to the scale of the building and the siting of the building on a differing footprint to the existing dwelling. With that in mind, the applicants engaged with the Council in pre-application discussions prior to fully developing this proposal, as detailed above.

6.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan remains the starting point for the consideration of planning proposals. As such, this supporting statement will consider the extent to which this proposal complies with development plan policies, and also whether there are material considerations which direct that a decision should be taken contrary to the development plan in the event that the proposal is found not to comply with development plan policy.

6.4 Policy HS05 of the Babergh Local Plan Alteration No.2 (2006) states;

“HS05 Outside the built-up areas of Towns and Villages, planning permission may be granted to replace a dwelling and ancillary outbuildings on or very close to the same site if:

- *the size and massing of the replacement is not significantly different to those of the original dwelling to be replaced;*
- *the new dwelling is of a design which is sympathetic in scale, mass, materials and architectural details to the character of the surrounding development;*
- *the proposals would not cause the felling or prejudice the retention of any significant trees that contribute to the environmental quality of the area;*
- *the new dwelling has a safe vehicular access;*
- *the new dwelling is no more visually intrusive than the original dwelling;*
- *the existing dwelling is not a listed building; and*
- *there is no increase in the number of dwellings on the site.*

The replacement of two or more small dwellings with one larger one will not be permitted, even if all the above criteria have been met, except when it can be demonstrated that the dwellings to be replaced would not meet any identified local housing need”.

6.5 The applicants are aware that the proposal does not fully accord with the aims of this policy given the location of the proposed dwelling on the site. However, policy HS05 provides a set of benchmarks against which this proposal can be assessed and it is well established that a proposal does not need to comply with each and every element of a policy (or policies) to be found in compliance with the development plan as a whole. In this regard, the applicants carry

out a detailed assessment of the proposal relative to policy HS05 later in this statement. Prior to doing so, the following examples are offered to demonstrate the manner in which proposals that raise similar issues to this one have been dealt with recently.

- 6.6 In a case at 1-2 Waldegrave Cottages, Lawshall (DC/20/03418), a large replacement dwelling was proposed on a site that was outside the curtilage of the existing property. In essence, the new dwelling was to be constructed on an area of agricultural land some distance away from the existing building. In terms of compliance with policy HS05, at face value the proposal considered under DC/20/03418 conflicted significantly more with the policy provisions than this proposal will do. However, in considering that application, the Planning Officer found that;

“In respect of Local Plan policies CN01 and HS05 and Neighbourhood Plan policy LAW1, the importance of attaining a good standard of design in development, which harmonises with the locality is imperative.

The existing cottages measure 12.382m in width and 6.095m in depth. Further permission (DC/18/00707) has been granted on site to extend the existing footprint to form one dwelling measuring 30.6m in width and 8.3m in depth. Therefore, the loss of 1 dwelling has previously been accepted.

The replacement dwelling would be further inset in the plot and would measure 56m in width, with varying depths and heights measuring a maximum of 19.5m in depth, 9m to ridge and 6m to the eaves. The varying dimensions break down the overall bulk and massing of the proposed dwelling to sympathetically fit within the site. Whilst the replacement dwelling is larger than existing, the conflict with policy is not considered significant enough to warrant refusal. The existing dwellings have been vacant and dilapidated for many years therefore the proposal would bring a dwelling back into use. The design and landscaping is sympathetic and would not detrimentally affect the character of the locality.

Alongside a replacement dwelling several outbuildings which are linked to the main dwelling are proposed including 3 bay garage, 1 stable and tack room, glasshouse and potting shed.

The site extends 1.59 hectares and the proposal seeks to increase the domestic curtilage from that of the existing dwellings on site, alongside inclusion of paddock land to the northern side of the proposed dwelling.

In order to stop proliferation of development on site and protect the overall character of the landscape permitted development rights are removed via condition. Furthermore, materials and levels conditions are justified to ensure the development reflects the character of the locality and is of a high quality sympathetic to the surroundings and landscape.

In respect of the aforementioned policies the proposal is deemed wholly acceptable in design, layout, siting, form and scale and does not give rise to any demonstrable adverse impact on the character of the locality”.

- 6.7 A further recent case to be considered is that on land to the east of Wenham Lane, Wenham Magna (DC/20/01408) where a significant dwelling was proposed in lieu of an approval to convert a modest storage building on this land. The proposed dwelling was located a significant distance away from the approved building (which had not been converted). The assessment made by the Planning Officer found that;

“Policy CN01 and HS05 seek to encourage good design and layout in new development. The design and layout should not seek to maximise or overdevelop the site to the detriment of appearance (excluding the independent consideration of Heritage colleagues). The design response is considerate of positioning, orientation and ridge height scales, enabling a unit which integrates appropriately amongst the surrounding landscape.

The external appearance of the proposal provides a refreshing uplift to the unconstrained area, and is intently focused upon key design policies in this regard. As illustrated on the proposed plans, the external appearance will provide betterment, strengthening the material appearance and character of the locality, hunkering within its immediate vicinity, whilst delivering a modern and contemporary dwelling. Certainly, the visual appearance of the proposal would not be unacceptable through the application of blended materials and tonal finishing.

The scheme as a whole is considered to harmonise well into the landscape, offering uplift to the extant principle of development position. The tone and palette of materials are welcomed by Officers, subject to condition. The scheme is considered to reflect CN01 and HS05, underpinned by Paragraphs 117, 127 and 130 of the NPPF”.

6.8 A number of the points made in the above texts are extracted below and considered further relative to this proposal.

“...the importance of attaining a good standard of design in development, which harmonises with the locality is imperative”

6.9 The assessment of the specific aspects of policy HS05, as supported by the generic design requirements set out in policy CN01, looks to ensure that the design of the new dwelling is sympathetic in scale, mass, materials and architectural details to the character of the surrounding development. Stepping back momentarily from the point that this is a proposal for a replacement dwelling, when taken in isolation these provisions seek to make sure that the proposal (as a standalone development) is of appropriate design relative to its surroundings.

6.10 Paragraph 124 of the NPPF identifies that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”*.

6.11 The applicants engaged Roger Balmer Design to prepare a detailed proposal that responds to the characteristics of the site and provides an attractive property that would enhance the local vernacular. In assessing the site, three main considerations were identified, being;

- the importance of the trees and hedging to the site boundaries;

- the need to ensure that the proposal was not prominent in the landscape, particularly related to the rural setting of the site;
- the scale and relationship of the development relative to existing properties in the site vicinity.

6.12 Furthermore, assessment of the existing situation identifies a number of factors which would make the siting of a replacement dwelling on the footprint of the existing dwelling unneighbourly and inappropriate. The image below shows the siting of the existing bungalow along with the neighbouring property to the south.



6.13 As can be seen, relative to the size of the plot, the existing dwelling is somewhat lost in its surroundings and sits in close proximity to the neighbouring dwelling. There are sound planning reasons, therefore, why relocating the dwelling to the opposite side of the existing access enables it to be located more centrally to its plot and also removes its immediacy to the neighbour.

6.14 The existing dwelling is also of no architectural merit (as per the image below) being a simple building of limited character. It offers nothing to its setting other than being nondescript.



6.15 The design approach taken here has resulted from the above assessment, where the proposal responds to the specific constraints of the site through the traditional and attractive form of the building, the spacious layout, the lack of impact on important boundary landscaping and ensuring important vistas from existing properties are retained. It moves the building away from the boundaries, makes more sense of its siting relative to the plot and adds a building of character and attractive appearance. It is, therefore, not reasonable to focus solely on the position and scale of this building when considering compliance with policies CN01 and HS05. To do so would fail to understand the site and what it can accommodate, and would also fail to take the opportunities available for improving the character and quality of the site (as per the aims of paragraph 130 of the NPPF).

- 6.16 The approach taken here, is, therefore, in accordance with the principles of good design set out in the NPPF, which seeks (paragraph 127) to ensure that planning policies and decisions ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 6.17 The proposal would meet each and every one of these aims.
- 6.18 However, the design goes beyond just providing 'good architecture', where paragraph 131 of the NPPF recognises that *"great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*. Considerable care has gone into the detailed design to ensure the creation of a low carbon building which raises the quality of architecture both on the site and in the wider area. Whilst doing so, the proposal will also sit comfortably and quietly in its surroundings. Energy efficient heating and ventilation and high standards of energy efficiency through positioning, design and construction (as shown on the drawings), will ensure a positive gain in this regard.
- 6.19 There is nothing to suggest that this proposal would not integrate into its surroundings well, seeking to make appropriate use of the site without dominating adjacent development or the village as a whole. The dwelling has been designed to integrate with its surroundings and assimilate into this cluster of development with little disruption/intrusion. Indeed, it would improve the relationship to neighbouring property.
- 6.20 It is recognised through the response given to the pre-application advice that the Council have some concerns as to the visibility of the proposed dwelling and its potential impacts on the wider countryside. However, this is a factor that has been considered fully, with the property sitting in heavily landscaped surroundings and having limited impact on the wider landscape. The property is sited on an area of land that is one metre lower than the road, such that its impacts will already be reduced by the recessed nature of the land on which it is proposed to

be sited. The image below is taken from within the site, looking across the area where the proposed dwelling is to be sited and towards the existing dwelling. As can be seen, there are significant trees and hedgerows to the site boundaries and within the site itself.



6.21 The image below shows the view of the existing dwelling from the A134 looking north. The photograph was taken in winter to show the availability of views in the absence of leaf cover.



6.22 As it shows, the existing dwelling is visible. The new dwelling would be sited beyond the evergreen trees that sit to the left of the dwelling. It's visibility would, therefore, be no more prominent than the existing dwelling, despite the increased height of the proposal.

6.23 Heading towards the site from the north, the following images show the site. The top images are again taken in winter, and show the site at its most visible immediately after works by the adjacent landowner to trim the hedges. The images below those show the extent of the hedge screening along the roadside boundary of the field which lies to the north.



6.24 It is clear that even if some limited views of the new dwelling were available, they would be from incredibly constrained aspects and would always be seen in the context of significant landscaping both in front and behind it. There are no clear, open, view available of the proposed dwelling and, as such, it can be concluded that visual harm to the wider landscape would not occur.

6.25 However, it has already been recognised that some views of the existing dwelling are available and there are a number of views available in the immediate locality of this site of large dwellings that are vastly more visible than this proposal would be. Take, for example, the following two aspects.



6.26 These views are available to the north (top) and south (bottom) of the application site respectively. In the top image, the view shows the dwelling know as South Keebles (itself a significant replacement dwelling for a modest bungalow that previously sat here) and beyond is the significant gable of a new dwelling that has only recently been completed. Relative to the application proposal, the landscaping to the boundary with the open countryside is virtually non-existent, enabling significant open views of these properties.

- 6.27 In the bottom image, the main bulk of Leavenheath village is open to views from the A134. Again, landscaping is limited and significantly less than exists on the application site and the adjacent land.
- 6.28 It is the applicants' position, thereby, that even if the roof of the proposed dwelling can be seen in some limited views, it would be vastly less prominent than the available views of existing properties. The proposal would not, therefore, bring visual aspects to this proposal that are not already visible in the wider landscape. As such, the proposal does not need to be completely obscured to be acceptable and its visibility in part would not be out of character with the surroundings.
- 6.29 As all of the images show, the proposed dwelling would not be silhouetted against the skyline nor would it intrude into views of the countryside. The proposal thereby also complies with the Council's policies that address landscape impact, including CN01, HS05 and CS15.

"Whilst the replacement dwelling is larger than existing, the conflict with policy is not considered significant enough to warrant refusal"

- 6.30 These comments were made in respect of the Waldegrave Cottages decision. It is of interest that the extent of increase in that case was double the width of the original building (after extension), and 2.5 x the depth. Those calculations did not take into account the triple garage, separate stable, tack room, greenhouse and store that also formed part of the proposal. It should also not be forgotten that the proposal at Waldegrave Cottages was also some distance outside the residential curtilage of the original dwelling.
- 6.31 Yet the Council's conclusions in that case was that the policy conflict did not give rise to sufficient justification to refuse permission. The existing dwelling at Waldegrave Cottages was an attractive, albeit uninhabited, structure, where its loss would be more harmful than the bungalow at Belynna Cottage.
- 6.32 It is well established that consistency in decision making within planning is an important facet and one which local authorities have been challenged upon in the courts. The applicants consider that there are clear reasons why taking a decision in this case would be consistent

with the decisions reached at both Waldegrave Cottages and Wenham, as quoted above. Furthermore, in a brief search of the Council's website, the following decisions across just an 18 month period all permitted larger replacement dwellings relative to the original building. In most of these cases, the extent of change was significant.

- B/15/00061 – Hartest House, Hartest
- B/15/00090 – Windrush, Hartest
- B/15/00112 – Orchard House, Copdock
- B/15/00233 – 1 The Causeway, Boxford
- B/15/00403 – Sharline, Polstead
- B/15/00758 – Curium, Freston
- B/15/00956 – Etheldene, East Bergholt
- B/15/01233 – 42 Bures Road, Great Cornard
- B/16/00288 – Westwood, Nayland
- B/16/00627 – Bears Lane Farm, Lavenham
- B/16/01141 – Ivy Farm, Cockfield

6.33 South Keebles, to the north of the site, is a similar example (dating from before the examples above) , and the applicants are able to provide further examples dating more recently should these be required.

6.34 It is considered that the conflict with policy is not considered significant enough to warrant refusal in this case.

“In respect of the aforementioned policies the proposal is deemed wholly acceptable in design, layout, siting, form and scale and does not give rise to any demonstrable adverse impact on the character of the locality”

6.35 The proposal has already been tested against these aspects, and has been found to comply with the respective aspects of policies CN01 and HS05. These matters should all weigh in favour of the proposal, precisely as they did in the quoted cases.

“The design and layout should not seek to maximise or overdevelop the site to the detriment of appearance....”

- 6.36 There can be no justifiable claim that this proposal is an overdevelopment of the plot.
- 6.37 The building is a considerable distance from any boundary, takes care of the requisite amenity space requirements, parking provision and manoeuvring space, and accommodates safe access. It gives rise to no detrimental impact to neighbouring property. It thereby demonstrates none of the traits of overdevelopment.
- 6.38 It is noted that the site can accommodate the proposed dwelling without giving rise to demolition of the existing property. Whilst that is not what is intended or proposed, the point remains that the site is large enough to accommodate both dwellings without undue concern/impacts.

“The external appearance of the proposal provides a refreshing uplift to the unconstrained area, and is intently focused upon key design policies in this regard. As illustrated on the proposed plans, the external appearance will provide betterment, strengthening the material appearance and character of the locality”

- 6.39 There can be little contention that the proposal would not be an enhancement of the site relative to the existing dwelling. It gives rise to betterment of the site to the benefit of the surroundings and the village as a whole.

“The scheme as a whole is considered to harmonise well into the landscape, offering uplift to the extant principle of development position. The tone and palette of materials are welcomed by Officers, subject to condition. The scheme is considered to reflect CN01 and HS05, underpinned by Paragraphs 117, 127 and 130 of the NPPF”.

- 6.40 The above summarises the applicants views of this proposal. It is considered that the very same conclusion should be made in this case.
- 6.41 Turning now to the specific criteria within policy HS05, the following assessment is made.

6.42 The proposal would not cause the felling or prejudice the retention of any significant trees (criterion 3), has a safe vehicular access (criterion 4), is not a listed building (criterion 6) and would not increase the number of dwellings on the site (criterion 7). As such, the matters that require more detailed assessment are criteria 1, 2 and 5, which relate to the size, design and landscape impact of the proposal. The applicants have already demonstrated that these matters do not weigh against the proposal. As such, this proposal can be seen to comply with policy HS05 in the same way that the quoted examples have done.

Other Matters

Highway Safety and Parking

6.43 The proposal would take access from a new access point, which is located on a long straight section of road and which would not give rise to any highway safety impacts. The existing access has been in existence and use for many years, and overall there would be no intensification in the use of the access to the site. As such, it is recognised that there would be no highway capacity impacts resulting from the proposal.

6.44 According to www.crashmap.co.uk there have been no accidents recorded in the immediate vicinity of the site. This further demonstrates that the new dwelling can be accommodated without giving rise to highway safety issues.

Residential Amenity

6.45 Whilst some commentary is provided above in respect of the impact on neighbouring property, the development can be accommodated without giving rise to detrimental impacts on existing dwellings in the locality. The dwelling would be relocated on the site with its main aspects to the east and west. There is a significant degree of separation and good landscaping between the new property and that adjacent.

6.46 Further, it is considered that the spacing between the proposed property and those adjacent will ensure that future occupants of the new dwelling will be able to enjoy the private amenity space provided without being unduly overlooked or impacted by existing development.

Land Contamination

6.47 The proposal relates to the replacement of an existing residential dwelling within the established garden of the existing property. The proposal would not, therefore, raise any concerns with respect to possible land contamination and further investigations are not considered necessary.

Biodiversity

6.48 The proposal would offer the opportunity to enhance existing planting on the site and thereby improve biodiversity.

Heritage Impacts

6.49 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings (Sections 16 and 66).

6.50 There are no listed buildings within the vicinity of the site, nor is the site within a Conservation Area.

6.51 As such, the proposal would not give rise to any impacts to heritage assets.

Flood Risk and Drainage

6.52 The site lies within Flood Zone 1 and is therefore not at risk of flooding.

6.53 Given that the proposal relates to a replacement dwelling, there is nothing to suggest that a suitable drainage solution cannot be identified.

Efficient Use of Land

6.54 Paragraph 122 of the NPPF identifies that planning policies and decisions should support development that makes efficient use of land, taking into account, inter alia;

- the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change, and;
- the importance of securing well-designed, attractive and healthy places.

6.55 Paragraph 123 takes this position further, identifying that local planning authorities should refuse applications which *"they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)"*.

6.56 The existing dwelling does not make efficient use of this site. The site can accommodate a dwelling of larger proportions with no detriment to the character of the area or neighbouring amenity. The proposal would, therefore, make the most efficient use of land in line with the aims of paragraphs 122 and 123 of the NPPF.

7.0 Conclusions

7.1 This application seeks planning permission for a new detached dwelling and the demolition of the existing dwelling.

- 7.2 The proposal has been assessed in light of the relevant development plan policy (being primarily saved policy HS05 of the Babergh Local Plan Alteration No.2 (2006)) and it has been found that the proposal accords with the specific criteria contained within the policy. Whilst the proposal does not sit on the footprint of the existing dwelling, it is sited within the curtilage of the existing property and is of a scale that is both respectful to the site and surrounding area but which also moves the dwelling away from the site boundaries and makes better use of the site. It would result in a well-designed and attractive new dwelling of appropriate proportions, detailing and materials.
- 7.3 The applicants have demonstrated a number of recent approvals where larger replacement dwellings have been permitted on sites in the Babergh area. In those cases, the degree of change (both in terms of size increase and the movement of the footprint) was greater than that proposed here. Indeed, in both of the cases quoted at Waldegrave Cottages and Wenham respectively, the replacement dwelling was outside the curtilage of the existing dwelling by some distance and the dwellings were significantly larger than the buildings they replaced. The decisions taken in those cases were that both proposals complied with policy HS05.
- 7.4 In light of those cases, and the numerous other larger dwellings permitted under this policy, the applicants consider that there are material considerations here that outweigh any perceived conflict with this policy. However, given that the proposal would bring betterment to the site and make more efficient use of the land, any harm perceived to result from this proposal would be outweighed by the benefits in any event.
- 7.5 Furthermore, the proposal has been found to be in compliance with specific policies of the development plan addressing the matters of design and layout (CN01 and CS15). The proposal has also been found to be acceptable in terms of the impacts on adjacent properties, and raises no concerns with regards to matters such as flood risk, land contamination, highway safety and biodiversity.
- 7.6 In light of this, and taking account of all of the considerations set out above, it is requested that the Council support this sustainable development by granting planning permission in the terms requested.

